

Notice of Allowability

Application No.

10/695,393

Examiner

LaTanya Bibbins

Applicant(s)

LEE ET AL.

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11 July 2007.
2. ☒ The allowed claim(s) is/are 1-16 and 22-29 (to be renumbered 1-24).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

WAYNE YOUNG
SUPERVISORY PATENT EXAMINER

DETAILED ACTION

1. In the remarks filed on July 11, 2007, Applicant submitted arguments for allowability of pending claims 1-16 and 22-29. In addition, Examiner notes the English translation of Korean Patent Application Number 2002-67968 submitted by applicant on July 11, 2007, which is sufficient to overcome the Non-Final Rejection mailed on April 11, 2007. Therefore, claims 1-16 and 22-29 are allowed over the prior art of record.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the claims:

Cancel claims 17-21.

Comments:

This application is in condition for allowance except for the presence of non-elected claims 17-21, which were elected with traverse. Accordingly, claims 17-21 are cancelled.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Douglas Agopsowicz, on August 10, 2007.

Allowable Subject Matter

3. Claims 1-16 and 22-29 (to be renumbered 1-24) are allowed.
4. The following is an examiner's statement of reasons for allowance:

Regarding claims 1-10, none of the references of record, alone or in combination, suggest or fairly teach the limitations of independent claim 1 in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to disclose an optical disc, comprising: a clamping area; a lead-in area; a data area; and a burst cutting area (BCA) between the clamping area and the lead-in area and in which information regarding the optical disc is recorded, wherein the information is read before performing tracking in the data area; **wherein the information regarding the optical disc comprises tracking polarity information.**

Regarding claims 11-16, none of the references of record, alone or in combination, suggest or fairly teach the limitations of independent claim 11 in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to disclose an optical disc, comprising: a first recording layer in which a first lead-in area, a first data area, and a first lead-out area are formed; and a second recording layer in which a second lead-in area, a second data area, and a second lead-out area are formed, wherein at least one of the first and second recording layers comprise a burst cutting area (BCA) in which information regarding the optical disc is recorded, the information is read before performing tracking in the first and second data areas; **and the information regarding the optical disc comprises tracking polarity information.**

Regarding claims 22-29, none of the references of record, alone or in combination, suggest or fairly teach the limitations of independent claim 22 in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to disclose

an optical disc, comprising: a first recording layer formed on the optical disc; a second recording layer formed on the optical disc, wherein the first recording layer and a second recording layer each comprise a clamping area, a burst cutting area (BCA), a lead-in area, and a lead-out area, wherein the clamping area is an area that is pressurized to clamp the optical disc, **and the BCA is an area in which tracking polarity information and/or reflectivity information is recorded**; and a data area recording user data between the lead-in area and the lead-out area.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaTanya Bibbins whose telephone number is (571) 270-1125. The examiner can normally be reached on Monday through Friday 7:30 am - 5:00 pm.

Art Unit: 2627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


LaTanya Bibbins


WAYNE YOUNG
SUPERVISORY PATENT EXAMINER